



04-13-04

APPROVED

for

PTO DEPOSIT ACCOUNT CHARGE  
ACCOUNT #04-1700

Express Mail No. EV 4023377511 US

Deposited on: April 12, 2004

DUNLAP, CODDING &amp; ROGERS, P.C.

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

PTO/SB/21 (08-00)

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/635,297
		Filing Date	08/06/2003
		First Named Inventor	Antonio V. Alcazar, et al.
		Group Art Unit	3643
		Examiner Name	Unknown
Total Number of Pages in This Submission	12	Attorney Docket Number	8403.958

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group	
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences	
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)	
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information	
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter	
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):	
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	See remarks below:	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund		
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<p>1. Transmittal (1 page);  2. Fee Transmittal (1 page) authorizing withdrawal from Deposit Account should any fees be required;  3. Information Disclosure Statement (6 pages);  4. Substitute Form 1449 (3 pages); and  5. Return Receipt Postcard.</p>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	DUNLAP, CODDING & ROGERS, P.C., Customer Number 30589 P. O. Box 16370, Oklahoma City, Oklahoma 73113, Marc A. Brockhaus	
Signature	<i>Marc Brockhaus</i>	
Date	4-12-2004	

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail or U.S. Express mail no. EV 4023377511 US in an envelope addressed to the address below on this date: April 12, 2004

Typed or printed name	Marc A. Brockhaus, Reg. No. 40,923		
Signature	<i>Marc Brockhaus</i>	Date	4-12-2004

Commissioner for Patents  
SEND TO: P.O. Box 1450  
Alexandria, VA 22313-1450

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 for  
 PTO DEPOSIT ACCOUNT CHARGE  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
 DUNLAP, CODDING & ROGERS, P.C.

PTO/SB/17 (10-03)

**Fee Transmittal for FY 2004**  
 Patent fees are subject to annual revision.  
 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$)	0.
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Complete if Known	
Application Number	10/635.297
Filing Date	08/06/2003
First Named Inventor	Antonio V. Alcazar, et al.
Examiner Name	Unknown
Art Unit	3643
Attorney Docket No.	8403.958

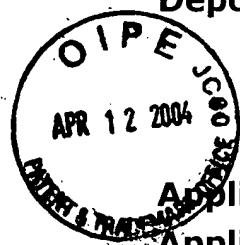
METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)			
<input type="checkbox"/> Check	<input type="checkbox"/> Credit card	<input type="checkbox"/> Money Order	<input type="checkbox"/> Other		
<input checked="" type="checkbox"/> Deposit Account:		<b>3. ADDITIONAL FEES</b>			
Deposit Account Number	04-1700	Large Entity	Small Entity		
Deposit Account Name	Dunlap, Codding & Rogers, P.C. Customer No. 30589	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
The Commissioner is authorized to: (check all that apply)					
<input checked="" type="checkbox"/> Charge fee(s) indicated below		<input checked="" type="checkbox"/> Credit any overpayments			
<input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application					
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee		to the above-identified deposit account.			
FEE CALCULATION					
1. BASIC FILING FEE					
Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee			
1002 340	2002 170	Design filing fee			
1003 530	2003 265	Plant filing fee			
1004 770	2004 385	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
SUBTOTAL (1)		(\$)			
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE					
Total Claims	Extra Claims	Fee from below	Fee Paid		
Independent Claims					
Multiple Dependent					
Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20			
1201 86	2201 43	Independent claims in excess of 3			
1203 290	2203 145	Multiple dependent claim, if not paid			
1204 86	2204 43	** Reissue independent claims over original patent			
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent			
SUBTOTAL (2)		(\$)			
*or number previously paid, if greater; For Reissues, see above					
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$)	
0 ;					

SUBMITTED BY					
Name (Print/Type)	Marc A. Brockhaus	Registration No. (Attorney/Agent)	40,923	Telephone (405) 607-8600	
Signature	<i>Marc A. Brockhaus</i>				
		Date	04/12/2004		

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 Commissioner for Patents  
 PO Box 1450, Alexandria, VA 22313-1450

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**Deposited On: April 12, 2004**

## PATENT



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Application No. :** 10/635,297 **Confirmation No.:** 8018  
**Applicant(s) :** Antonio V. Alcazar et al.  
**Filed :** 08/06/2003  
**TC/A.U. :** 3643  
**Examiner :** Unknown  
**Title :** THERMOPLASTIC FLOWER POT WITH THIN SKIRT  
**Docket No. :** 8403.958  
**Customer No. :** 30589

**MS PATENT APPLICATION  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

# INFORMATION DISCLOSURE STATEMENT

## **List of Sections Forming Part of This Information Disclosure Statement**

The following sections are being submitted for this Information Disclosure Statement:

1.  Preliminary Statements
  2.  Form PTO-1449 (Modified)
  3.  Statements as to Information Not Found in Patents or Publications (Information not listed in PTO 1449 (Modified))
  4.  Identification of Prior Application In Which Listed Information Was Already Cited and for Which No Copies Are Submitted Or Need to Be Submitted

5.  Copies of Listed Information Items Accompanying this Statement.
6.  Identification of Person(s) Making this Information Disclosure Statement

## **Section 1.        Preliminary Statements**

Applicant submits herewith patents, publications or other information of which he is aware, which he believes may be material to the examination of this application and in respect of which there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

## **Section 2.        Form PTO-1449 (Modified)**

- A previous submitted Form 1449 (Modified) from prior application is attached hereto.
- No Form 1449 (Modified) is attached.

## **Section 3. Statements as to Information Not Found in Patents or Publications (Information not listed in PTO 1449 (Modified))**

Flower pot covers have traditionally been disposed about the outer surfaces of flower pots to decorate the flower pot and to minimize the amount of water or potting medium which may spill from the flower pot. The materials typically used to form decorative flower pot covers are relatively thin. While such thin materials are attractive in that they provide the flower pot covers with a skirt having a loose, billowy appearance, such materials are susceptible to puncturing or tearing by sharp areas or edges on or near the bottom and

sides of the flower pot which allows moisture to leak through the flower pot cover, possibly causing damage to carpet, furniture, tile, and other surfaces upon which the flower pot cover may be disposed.

However, if rigid or semi-rigid materials are used to produce flower pot covers and make the flower pot covers less susceptible to puncturing or tearing, then the skirt of the flower pot cover loses its loose, billowy appearance. Thus, it would be of benefit to the floral industry and to the end purchaser to have a flower pot cover constructed of rigid or semi-rigid material, but which has a skirt having a loose, billowy appearance.

**Section 4. Identification of Prior Application In Which Listed Information Was Already Cited and for Which No Copies Are Submitted Or Need Be Submitted**

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. 10/247,257, filed on 09/13/2002. **The below listed references were submitted to and/or cited by the Office in this prior application.** Therefore, copies are not submitted herewith.

U.S. PATENT DOCUMENTS										
	Patent No.							Issue Date	Patentee	
AA	D	2	7	9	2	7	9	06/18/1885	Wagner	
AB	D	2	9	8	9	0	4	12/13/1888	Mourich et al.	
AC				5	1	2	0	07/11/1871	Snow	
AD		7	9	7	1	7	5	08/15/1915	Collenburg	
AE	1	2	1	2	4	2	8	01/16/1917	Watson	
AF	1	5	2	0	6	4	7	12/23/1924	Hennegan	
AG	1	7	9	4	2	1	2	02/24/1931	Snyder	
AH	1	8	9	2	8	1	8	01/03/1931	Trew	
AI	1	8	6	8	8	5	3	07/26/1932	Sievers	
AJ	2	3	5	5	5	5	9	08/08/1944	Renner	
AK	2	5	4	0	7	0	7	02/06/1951	Beukelman	
AL	2	7	7	4	1	8	7	12/18/1956	Smithers	
AM	2	7	8	5	5	0	8	03/19/1957	Coleman, Jr.	
AN	2	8	4	5	7	3	5	08/05/1958	Werner	

AO	3	0	2	1	0	4	6	02/13/1962	Pullen	
AP	3	0	2	2	6	0	5	02/27/1962	Reynolds	
AQ	3	0	5	8	2	6	3	10/16/1962	Reynolds	
AR	3	3	6	2	1	0	5	01/09/1968	Steiger	
AS	3	4	8	8	0	2	2	01/06/1970	Vittori	
AT	3	7	4	8	7	8	1	07/03/1973	Erling	
AU	3	7	6	7	1	0	4	10/23/1973	Bachman et al.	
AV	3	8	5	2	9	1	3	12/10/1974	Clendinning et al.	
AW	3	9	1	9	1	6	3	11/11/1975	Clendinning et al.	
AX	3	9	2	1	3	3	3	11/25/1975	Clendinning et al.	
AY	3	9	2	3	7	2	9	12/02/1975	Clendinning et al.	
AZ	3	9	6	2	5	0	3	06/08/1976	Crawford	
BA	3	9	7	3	3	1	6	08/10/1976	Maher	
BB	4	0	4	3	0	7	7	08/23/1977	Stonehocker	
BC	4	1	0	4	8	4	5	08/08/1978	Hoffmann	
BD	4	1	7	0	6	1	8	10/09/1979	Adams	
BE	4	1	7	3	1	0	8	11/06/1979	Eglinton et al.	
BF	4	2	1	6	6	2	0	08/12/1980	Weder et al.	
BG	4	3	0	0	3	1	2	11/17/1981	Weder et al.	
BH	4	3	3	3	2	6	7	06/08/1982	Witte	
BI	4	4	1	3	7	2	5	11/08/1983	Bruno et al.	
BJ	4	7	3	9	5	8	1	04/26/1988	Jarvis	
BK	4	7	9	5	6	0	1	01/03/1989	Cheng	
BL	5	0	3	8	9	3	3	08/13/1991	Weder	
BM	5	0	7	3	1	6	1	12/17/1991	Weder et al.	
BN	5	0	9	4	0	6	0	03/13/1992	Caird	
BO	5	1	6	1	3	4	8	11/10/1992	Weder	
BP	5	2	2	8	2	3	4	07/20/1993	de Klerk et al.	
BQ	5	2	3	9	7	7	5	08/31/1993	Landau	
BR	5	3	4	5	7	4	5	09/13/1994	Weder	
BS	5	3	6	3	5	9	2	11/15/1994	Weder et al.	

BT	5	3	9	6	9	9	2	03/14/1995	Weder	
BU	5	4	4	3	6	7	0	08/22/1995	Landau	

**FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION**

	Document No.							Publ. Date	Country or Patent Office	
CA		5	6	0	5	3	2	04/1975	Switzerland	
CB				5	8	7	4	05/1886	Gr. Britain	
CC				5	4	0	8	03/1903	Gr. Britain	
CD	1	2	0	4	6	4	7	09/1970	Gr. Britain	
CE	2	1	0	2	7	8	9	03/1972	W. Germany	
CF	2	4	8	9	1	2	8	05/1982	France	

**OTHER MATERIALS**

DA		Brochure - Speed Cover®, The Simple Solution For Those Peak Volume Periods, Highland Supply Corporation, 1989
DB		Brochure - Speed Sheets™ and Speed Rolls, Highland Supply Corporation, 1990
DC		Brochure - Speed Cover® Especially Designed For Hanging Baskets, Highland Supply Corporation, 1989
DD		Brochure - Introducing Highlander® Prisma Film™, Highland Supply Corporation, 1989
DE		Brochure - Easter Basket Kit, Highland Manufacturing & Sales Co., undated
DF		Brochure - Floral & Nursery Products, IVEX Partners in Performance, undated
DG		Brochure - Redi-Wrap™ Floral & Nursery Products, IVEX Partners in Performance, undated
DH		Brochure - Holiday Colors, A Special Holiday, A Special Pot Cover, IVEX Partners in Performance, undated
DI		Brochure - Redi-Wrap™ Floral & Nursery Products, The Instant Pot Wrap, IVEX Partners in Performance, undated
DJ		Brochure - Packaging for Profits, IVEX Partners in Performance, undated
DK		Speed Cover Brochure, "The Simple Solution For Those Peak Volume Periods", Highland Supply Corporation, 1989
DL		Speed Sheets and Speed Rolls Brochure, Highland Supply Corporation, 1990

## **Section 5. Copies of Listed Information Items Accompanying this Statement**

Legible copies of all items listed in Form PTO-1449 (Modified) accompany this information disclosure statement.

Exception(s) to above:

Items in prior application from which an earlier filing date is claimed for this application, as identified in Section 4.

## **Section 6. Identification of Person(s) Making this INFORMATION DISCLOSURE STATEMENT**

The person making this statement is the attorney who signs below on the basis of the information:

supplied by the inventor(s)

supplied by an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c)).

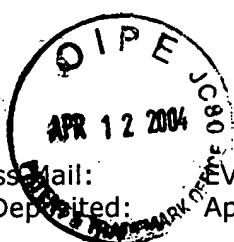
in the attorney's file

Respectfully submitted,

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Marc A. Brockhaus, Reg. No. 40,923  
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Attorney for Applicants



Express Mail: EV373443921US  
Date Deposited: April 12, 2004

Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known	
Application Number	10/635,297
Filing Date	08/06/2003
First Named Inventor	Antonio V. Alcazar, et al.
Group Art Unit	3643
Examiner Name	Elizabeth Shaw
Attorney Docket Number	8403.958

### U. S. PATENT DOCUMENTS

EXAM INIT.	Cite No. 1	U.S. PATENT NUMBER Number	Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM- DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	5120		Snow	07/11/1871	
	AB	D279279	06-1	Wagner	06/18/1885	
	AC	4674972		Wagner	06/23/1987	
	AD	D298904		Mourich et al.	12/13/1888	
	AE	797175		Collenburg	08/15/1915	
	AF	1212428		Watson	01/16/1917	
	AG	1520647		Hennegan	12/23/1924	
	AH	1892818		Trew	01/03/1931	
	AI	1794212		Snyder	02/24/1931	
	AJ	1868853		Sievers	07/26/1932	
	AK	2355559		Renner	08/08/1944	
	AL	2540707		Beukeiman	02/06/1951	
	AM	2774187		Smithers	12/18/1956	
	AN	2785508		Coleman, Jr.	03/19/1957	
	AO	2845735		Werner	08/05/1958	
	AP	3021046		Pullen	02/13/1962	
	AQ	3022605		Reynolds	02/27/1962	
	AR	3058263		Reynolds	10/16/1962	
	AS	3362105		Steiger	01/09/1968	
	AT	3488022		Vittori	01/06/1970	
	AU	3748781		Erling	07/03/1973	
	AV	3767104		Bachman et al.	10/23/1973	
	AW	3852913		Clendinning et al.	12/10/1974	
	AX	3919163		Clendinning et al.	11/11/1975	

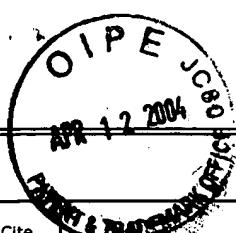


## U. S. PATENT DOCUMENTS

EXAM INIT.	Cite No. 1	U.S. PATENT NUMBER Number	Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AY	3921333		Clendinning et al.	11/25/1975	
	AZ	3923729		Clendinning et al.	12/02/1975	
	BA	3962503		Crawford	06/08/1976	
	BB	3973316		Maher	08/10/1976	
	BC	4043077		Stonehocker	08/23/1977	
	BD	4104845		Hofmann	08/08/1978	
	BE	4170618		Adams	10/09/1979	
	BF	4173108		Eglinton et al.	11/06/1979	
	BG	4216620		Weder et al.	08/12/1980	
	BH	4300312		Weder et al.	11/17/1981	
	BI	4333267		Witte	06/08/1982	
	BJ	4413725		Bruno et al.	11/08/1983	
	BK	4674972		Wagner	06/23/1987	
	BL	4739581		Jarvis	04/26/1988	
	BM	4795601		Cheng	01/03/1989	
	BN	5038933		Weder	08/13/1991	
	BO	5073161		Weder et al.	12/17/1991	
	BP	5094060		Caird	03/13/1992	
	BQ	5161348		Weder	11/10/1992	
	BR	5228234		de Klerk et al.	07/20/1993	
	BS	5239775		Landau	08/31/1993	
	BT	5345745		Weder	09/13/1994	
	BU	5363592		Weder et al.	11/15/1994	
	BV	5396992		Weder	03/14/1995	
	BW	5443670		Landau	08/22/1995	

## FOREIGN PATENT DOCUMENTS

EXAM INIT.	Cite No. 1	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>4</sup>
		Office 3	Number 4	Kind Code <sup>5</sup> (if known)				
	CA		560532		Switzerland	04-1975		
	CB		5874		Gr. Britain	05-1886		
	CC		5408		Gr. Britain	03-1903		
	CD		1204647		Gr. Britain	09-1970		
	CE		2102789		W. Germany	03-1972		



## FOREIGN PATENT DOCUMENTS

EXAM INIT.	Cite No. 1	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office 3	Number 4	Kind Code <sup>5</sup> (If known)				
	CF	2489128		France	05-1982			

**U.S. and Foreign:** <sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard St.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

### PATENT DOCUMENTS

Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published

DA	Brochure - Speed Cover, The Simple Solution for Those Peak Volume Periods, Highland Supply Corporation, 1989
DB	Brochure - Speed Sheets and Speed Rolls, Highland Supply Corporation, 1990
DC	Brochure - Speed Cover Especially Designed for Hanging Baskets, Highland Supply Corporation, 1989
DD	Brochure - Introducing Highlander Prisma Film, Highland Supply Corporation, 1989
DE	Brochure - Easter Basket Kit, Highland Manufacturing & Sales Co., undated
DF	Brochure - Floral & Nursery Products, IVEX Partners in Performance, undated
DG	Brochure - Redi-Wrap Floral & Nursery Products, IVEX Partners in Performance, undated
DH	Brochure - Holiday Colors, A Special Holiday, A Special Pot Cover, IVEX Partners in Performance, undated
DI	Brochure - Redi-Wrap Floral & Nursery Products, The Instant Pot Wrap, IVEX Partners in Performance, undated
DJ	Brochure - Packaging for Profits, IVEX Partners in Performance, undated
DK	Speed Cover Brochure, "The Simple Solution for Those Peak Volume Periods", Highland Supply Corporation, 1989
DL	Speed Sheets and Speed Rolls Brochure, Highland Supply Corporation, 1990

**Non Patent Documents:** <sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature:

Date Considered:

**EXAMINER:** Initial if citation considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant. \*\*Place of Publication refers to name of publication in which the information was published.